

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

CLAYTON HOYLE,

Plaintiff,

v.

No. 1:20-cv-01112-STA-jay

**WAL-MART REAL ESTATE
BUSINESS TRUST, and JOHN
DOE OWNER,**

Defendants.

REPORT AND RECOMMENDATION

On August 27, 2020, Plaintiff, Clayton Hoyle, failed to appear at the telephone scheduling conference with the undersigned judge. (*See Docket Entry (“D.E.”) 16.*) The same day, the Court ordered Plaintiff to show cause, within ten days, for his failure to appear and warned him that a failure to timely respond to the order and/or to show cause for his absence at the scheduling conference may result in the dismissal of this action without further notice. (D.E. 20.) To date, Hoyle has not complied with the Court’s directives. Therefore, the undersigned RECOMMENDS that this matter be dismissed for failure to prosecute. *See Dietz v. Bouldin*, 136 S. Ct. 1885, 1892–93 (2016) (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 631–32 (1962)).

Respectfully submitted this 11th day of September 2020.

s/ Jon A. York
UNITED STATES MAGISTRATE JUDGE

**ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATION
MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A
COPY OF THIS REPORT AND RECOMMENDATION. SEE 28 U.S.C. § 636(b)(1)(C);
LOCAL RULE 72(g)(2). FAILURE TO OBJECT WITHIN FOURTEEN (14) DAYS MAY
CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER
APPEAL.**